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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,479	07/31/2000	Adam Their	11553-018001	5538

28863 7590 05/09/2002

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EXAMINER
PATEL, JAGDISH

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/628,479	THEIR ET AL.	
	Examin r	Art Unit	
	JAGDISH N PATEL	3624	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *31 July 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

2. Claims 8,9, 20, 28 and 29 are objected to because of the following informalities: The following exemplary analysis applies to all aforementioned claims.

Claim 20 line 6 has no punctuation, should read "....contributor."

Claim 8 is improperly recited as being dependent on claim 6 because claim 7 forms proper antecedent basis for element "receiving review input", no such element recited in claim 6 or its predecessor claims. Dependent claim 9 inherits same deficiency.

Similarly claims 28 and 29 should be recited as depending on claim 27.

Claim 20, has a missing punctuation in line 6 at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The following exemplary analysis also applies to dependent claims 21-29.

In order to be statutory under 35 U.S.C. 101, the claimed invention must produce a useful, concrete and tangible result (i.e. a practical application). As discussed in the following paragraph claim 20 fails this test and is therefore rendered non-statutory under 35 U.S.C. 101.

Claim 20 recites a computer readable medium having a set of data structures to store data that defines (a) an organizational model and (b) a number of contributors. However, the claimed invention(s) fails to recite any structural and functional interrelationships amongst the data structures (a) and (b) and thus fails to impart any functionality to the claim as a whole. The data structure recited in each of the aforementioned claims is analyzed as data structure per se, in other words without defining structural and functional relationships between the data structure and the hardware/software component and thus does not imparting any functionality to the claim as a whole. Claim 20 therefore is analyzed as non-functional descriptive material (not producing a useful, concrete and tangible) and therefore non-statutory subject matter and rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

5. Claims 26, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 in line 1 recites "one or more of the template". There is insufficient antecedent basis for this limitation in the claim.

Claims 28 and 29 in line 1 recite "the states". There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 10, 11, 13, 14, 20-25 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al. (US Pat. 5,799,286) (hereafter Morgan).

Claim 1. Morgan teaches a method (management method (10)) comprising:

storing data defining a set of contributors (col. 5 L 35-43 sites 80, Fig 3-5, each site is a business unit having cost centers (R.C.));

storing a model of an organization, wherein the model has a plurality of hierarchically arranged nodes(col. 4 L 64- col. 5 L 7, level of detailing requires storing management structure, management organization 82-88);

capturing forecast data from the contributors according to the model(col. 4 L 29-43, input information associated with their activities); and

generating a budget report based on the forecast data (col. 4 L 64- col. 5 L 6, reports ..how dollars are allocated..in organization).

Claim 2. The method of claim 1 further comprising:

storing data defining a set of analysts (cost centers 100-104); and

capturing target data for the organization from the analysts (col. 5 L 35-37 costs ..responsibility center (R.C.) dollars).

Claim 3. The method of claim 1, wherein capturing forecast data according to the model comprises receiving the forecast data from a remote computing device over a packet-based network (Fig. 2, col. 4 L 44-60, server 12 receive forecast (target or goal) data over LAN/WAN, col. 6 L 42-47).

Claim 4. The method of claim 3, wherein capturing the forecast data comprises communicating a template and a calculation engine to the computing device, wherein the template includes a data cube for storing the target data and the forecast data (main frame computer 64 and data storage device 60 accessed by database server 62, data cube is interpreted as data set which is two dimensional report discussed in claim 1).

Claim 6. The method of claim 1, wherein each node corresponds to one of the contributors (refer to claim 1 "set of contributors").

Claim 7. The method of claim 1, wherein capturing forecast data according to the model comprises capturing forecast data from contributors associated with nodes of a lower level of the hierarchy (col. 5 L 35-43, refer to function of cost centers or responsibility centers);

receiving review input from contributors at higher-level nodes of the hierarchy (col. 4 L 61- col. 5 L 6, The reports are customized ..to cater to the needs of different levels of personnel).

All limitations of system claims 10,13 and 14 have been analysed as in claims 1, 2 and 7 respectively.

All limitations of system claim 11 have been analysed as in claims 3 and 4.

Claim 20, 22, 23. All limitations of apparatus claims 20, 22, 23 have been analyzed as in corresponding method claims 1, 7 and 4 respectively.

Claim 21. The computer-readable medium of claim 20, wherein contributors associated with nodes of a lowest level of the hierarchy the contributors are individuals responsible for entering forecast data for the organization (Morgan col. 4 L 28-44, refer to discussion about "most employees"..allowed to input ..deriving a budget), and further wherein

contributors associated with nodes at higher levels of the hierarchy are responsible for reviewing the forecast data (col. 4 L 61-col. 5 L 4, refer to function of "high level manager").

Claim 24. The computer-readable medium of claim 20, wherein each node stores data defining an owner of the node (Morgan, since the cost centers are mapped to the management organization, it is anticipated that each node (cost centers) store a respective member(s) as owner (authorized to access the information) of the node).

Claim 25. The computer-readable medium of claim 20, wherein a set of the nodes stores data defining a reviewer for the node (claim 7, refer to limitation "contributors" at higher level).

Claim 30. The computer-readable medium of claim 20 and further comprising a set of data structures to store data that defines a number of analysts for inputting organizational targets (Morgan, col. 5 L 35-47 since the responsibility centers 100-104 are mapped to the management organizations, this limitation in inherent as number of responsibility or cost centers in the organizations).

Claim 31. Morgan teaches a system comprising:

means for storing a definition of a hierarchical model of an organization (Fig. 4, refer to hierarchy of Site 80, R.C. (cost center 100-104, and management organization 82-86);

means for receiving organizational target data and forecast data according to the model (col. 5 L 35-42, "the dollars for each site 80 are divided into cost centers); and

means for reconciling the organization target data and forecast data according to the model (col. 6 L 43-47, reconciling is comparison of the target or goal cost with the performance of the management).

Claim 32. The system of claim 31 comprising means for capturing the organizational target data and the forecast data (refer to claim 31 limitation "means for receiving organizational target data and forecast data").

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan.

Claims 5 and 12. Morgan fails to teach that the template and the calculation engine are Active X components capable of receiving data and locally processing data on the computing device. Official notice is taken that Active X components for data

communication and presentation (example: visual basic) is old and well known for data communication and user interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement to implement the template and the calculation engine as Active X components as a preferred choice for receiving and processing data.

All other limitations of dependent claims 5 and 12 have been analysed as per respective parent claims 4 and 10 respectively.

9. Claims 8, 9, 15-19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan as applied to claim 6 (claims 8,9) above, and further in view of Wainscott et al. (WO 96/30852), (hereafter Wainscott).

Claims 8 and 9 Morgan fails to teach the step of receiving review input from contributors as recited in claims 8 and 9. Wainscott, in the same field of endeavour, however, teaches a method of budgeting and planning which includes receiving review input from contributors at higher-level nodes of the hierarchy comprises propagating the forecast data up the hierarchy based on the review input (p. 22 L 8 - p. 23 L 23, hierarchical roll-up, and Fig. 9). Furthermore, Wainscott teaches that the contributors associated with the higher-level nodes of the hierarchy can reject the forecast data or accept the forecast data, and further wherein propagating the forecast data up the hierarchy comprises incrementing a current level when a contributor accepts the forecast data and decrementing the current level when the contributor rejects the

forecast data (Wainscott p. 25 L 1 - p. 26 L 23, overriding sequence).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement propagating the forecast data up the hierarchy based on the review input and the functionality of the contributors associated with the higher-level nodes of the hierarchy as disclosed by Wainscott in Morgan method of budgeting per claims 8 and 9 because propagating the forecast data up the hierarchy based on the review input and the functionality of the contributors would enable the organization to budget by any combination of organization unit with automatic cascading to lower level and would provide control by management of higher echelon.

Claim 15. Morgan teaches a method for generating a budget comprising: storing a model of an organization, wherein the model has a plurality of nodes hierarchically arranged into a number of levels((col. 5 L 13-21)sites 80, Fig 3-5, each site is a business unit);

associating a contributor with each node of the hierarchy (L 13-21 business unit);

capturing forecast data from a contributor associated with a node within a lower level of the hierarchy (col. 4 L 29-43, input information associated with their activities);

Morgan fails to teach traversing the model and updating steps as recited in claim 15. However, Wainscott, in the same field of endeavour, however, teaches a method of budgeting and planning which includes traversing the model by receiving review information from a contributor associated with a current level of the model (p. 22 L 8 - p.

23 L , hierarchical roll-up, and Fig. 9) and updating the current level according to review information; and generating a budget for the organization based on the forecast data when the forecast data is approved by a contributor associated with a root node within at a highest level of the model(Wainscott p. 25 L 1 - p. 26 L 23, overriding sequence).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement traversing the model by receiving review information from a contributor associated with a current level of the model as disclosed by Wainscott in Morgan method of budgeting per claim 15 because traversing the model by receiving review information from a contributor associated with a current level would enable the organization to budget by any combination of organization unit with automatic cascading to lower level and would provide control by management of higher echelon by allowing higher management to keep control over the budget data inputs from lower level.

Claim 16. The method of claim 15 wherein updating the current level includes incrementing the current level when the review information indicates an acceptance of the forecast data and decrementing the current level when the review information indicates a rejection of the forecast data (Wainscott, p. 12 para. 2 and 3 "budget modification phase...iterations").

Claim 17. The method of claim 1 further comprising:

capturing target data from the analysts and presenting the target data to the contributors when the forecast data is captured and when the review information is captured (Morgan col. 6 L 43- 47, user is analyst and data is presented to management

organizations 82-86 per figure 5 and col. 5 L 35-37 costs ..responsibility center (R.C.) dollars).

Claim 18. The method of claim 1, wherein capturing forecast data comprises receiving the forecast data from a remote computing device over a packet-based network (Morgan Fig. 2, col. 4 L 44-60, server 12 receive forecast (target or goal) data over LAN/WAN, col. 6 L 42-47).

Claim 19. The method of claim 3, wherein capturing the forecast data comprises communicating a template and a calculation engine to the computing device, wherein the template includes a data cube for storing the target data and the forecast data (Morgan col. 4 L 61-66, ..reports having two dimensional aspects..., this and "level of detailing" comprise a template having a data cube, furthermore as previously discussed the reports are communicated to the database server 62 and mainframe 64).

All other limitations of claims 16-19 have been analysed as in parent claim 15.

Claim 33. The system of claim 31, wherein the reconciling means includes means for propagating the forecast data up the hierarchy (refer to analysis of limitation "propagating the forecast data" of claim 8).

All other limitations of claim 33 have been analysed as in parent claim 31.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schumacher (US pat. 5,172,313) teaches a computerized management system.

Peterson (US Pat. 6,073,108) teaches a task based classification and analysis software including an analysis software module and a user interface which provides inputs to the analysis software module such as budget information associated with particular elements of the database.

Lyons, et al. (EP 0294187A2) recites a software package that collects, organizes, manages and consolidates financial data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 2100 is (703) 746-7239 or 7238. Draft or Informal faxes for this Art Unit can be submitted to (703) 746-7240. **Draft faxes may also be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Jagdish N. Patel
(Patent Examiner)
A.U. 3624